



Town of Mesilla, New Mexico

BOARD OF TRUSTEES

TOWN OF MESILLA

REGULAR MEETING

MONDAY, JANUARY 9, 2023 – 6:00 PM

MINUTES

TRUSTEES:

Nora Barraza, Mayor
Stephanie Johnson-Burick, Mayor Pro Tem
Biviana Cadena, Trustee
Veronica Garcia, Trustee
Adrianna Merrick, Trustee

STAFF:

Rani Bush, Town Clerk/Treasurer
Rod McGillivray, Public Works Director
Enrique Salas, Marshal
Gloria Maya, Recorder

PUBLIC:

Mr. & Mrs. Church	Jane McCann
Andrew McCann	George Klebansky
Kevin Hoban	Carolann Hoban
Celina Einig	Mr. & Mrs. Fichman
P.A. Sandoval	Harry Evans
Kathy Telgard	Cris Telgard
Rose Garcia	Fred Heinrich
Pat Taylor	Barb DeLaurier
Joe DeLaurier	Marcy Tomey
Russell Hernandez	Andrea Bryan
Greg Lester	Yolanda Lucero
Teresa Tudury	Amy O'Brien
Edith Wyndla	Rosemary McLoughla
Andy Embury	Jane Staley
Crystal Davis-Whited	Cindy & Eric Van Pelt
Trina Witter	Karena Oberman
Stewart Oberman	Cecilia Quintana
Teresa Griffith	Guillermo Acosta
Carol Flinchbap	Jose A Flores
Judy Houston	Donna Vargas

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

Mayor Barraza held a Moment of Silence.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro-Tem Johnson-Burick, Trustee Cadena, Trustee Garcia, Trustee Merrick.

3. CHANGES TO THE AGENDA & APPROVAL

Mayor Barraza requested moving item 5) Presentation before item 4) Public Input.

Motion: To approve agenda as amended, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

4. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair. (moved)

Mr. Lester read correspondence regarding cell tower.

Ms. Telgard read correspondence regarding cell tower.

Ms. Wyndla read correspondence regarding cell tower.

Ms. Tudury read correspondence regarding cell tower.

Ms. Sandoval read correspondence regarding cell tower.

Mr. Heinrich stated an Airbnb will not receive financing, taxing or insurance like a single home does since it is commercial. An Airbnb is a motel. The petition was signed by several of the residents opposing the Airbnb.

Ms. Toomey stated it a close-knit community. We support the community. No commercial enterprises are allowed in the area. At the December 19th PZHAC meeting the mayor stated they are there to abide by the codes. That does not mean every application should be approved or that you don't listen to the constituents. The petition had 67 signatures opposing the Airbnb.

Ms. McCann read correspondence regarding Airbnb.

Mr. Oberman stated our neighborhood would be disrupted by Short Term Rentals (STR). We reviewed and abided the by-laws and covenants of the Mesilla Farms Homeowners Association. Volunteers service the pool; he does not expect that one of the renters would work on the pool or would we want them to work on the pool. Trustees should respect our by-laws and covenants. He opposes the cell tower.

Ms. O'Brien stated renters could become a liability issue when using the pool.

Ms. Griffith stated we chose Mesilla Farms to enjoy a small-town community. An Airbnb is nothing more than a hotel; decreasing property values, not bound to the covenants. We do not want to be part of the commercial area. Let us be residents who support the town.

Dr. Flores stated the covenant was presented to the board when the area was being developed. Residents should be able to vote for or against. The majority of the residents do not want Short-Term Rentals in the area.

Mr. Church stated Mesilla Farms is considered an historical subdivision. He does not understand how the town can cross the line and allow a commercial business in a residential zone.

Mr. VanPelt stated Mr. Boldt jumped through hoops to develop Mesilla Farms. Residents must belong to the Mesilla Farms HOA making it a community within a community. We should have a say in items such as this. He asks that the trustees respect our community and allow us to say no to this case.

5. PRESENTATION (moved)

a) Chief Kevin Hoban

Mayor Barraza thanked Fire Chief Hoban for his dedicated service to the Town of Mesilla and presented him with a plaque.

Fire Chief Hoban stated he loves Mesilla, and it has been an honor to service this community.

6. PUBLIC HEARING

Motion: To close Regular Meeting and open Public Hearing, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Opened Public Hearing at 6:35 p.m.

Ms. Einig stated the Airbnb belongs in the town.

Mr. Heinrich asked that the comments made during Public Input be brought forth to the Public Hearing.

Motion: To close Public Hearing and open Regular Meeting, Moved by Trustee Merrick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Opened Regular Meeting at 6:38 p.m.

Ms. Bush administered oath to Mr. Contreras, Commissioner Lucero, Commissioner Jones, Commissioner Salas

Mayor Barraza read ordinances 05.05.030, 05.05.03, 05.05.032 and reviewed the process. As per attorney advice the Board of Trustees does not have the authority to enforce by-laws and covenants of a Homeowners Association. Reiterated Short-Term Rentals are allowed in the Historical Residential as per ordinance. Either party has the right to take the case to Civil Court.

Mr. Contreras stated he has been working with Ms. Toomey. He wants to ensure that the community keeps its

integrity. After reviewing the ordinances, the Town of Mesilla imposes on the HOA. Is doing his due diligence in following the policies and regulations that are in place. He would like to be given the same opportunity as others are given. We are not a commercial enterprise since we do not pay commercial taxes.

Mayor Barraza stated the PZHAC vote was 3/2 (against).

Commissioner Lucero stated both the applicant and the HOA presented their case to the PZHAC. She voted in favor as per the ordinance.

Commissioner Salas stated he voted yes. This case was supported by the ordinance and by legal. Mr. Contreras has followed the ordinance. This was clear cut especially with legal opinion. This is between the HOA and Mr. Contreras; nothing to do with the town.

Mr. Jones stated he voted no and feels the HOA is being thrown under the bus. This would be setting a precedent issue regarding HOAs.

Mayor Barraza stated they respect for the covenants put forth by HOAs. The covenants belong to the HOA and not the town. Trustees must follow the codes put forth by the town. She respects the residents of Mesilla Farms, who are members of the Town of Mesilla, and their comments.

Trustee Garcia asked what the vote percentage will be.

Mayor Barraza responded since this is an Business License Registration appeal there is nothing in the code book regarding a percentage.

Mayor Pro Tem Johnson-Burick asked Mr. Contreras if he purchased the home, if he is living in the home and if he is planning to live in the home.

Mr. Contreras responded he purchased the home but is not living in the home now and cannot give a timeframe as to when he will be living in the home. He does intent to move into the home at some point.

Mayor Pro Tem Johnson-Burick asked Mr. Contreras how he not knew he need a permit if he had read the ordinances as he stated.

Mr. Contreras responded he read the ordinance after the request was denied. The Fire Department called him and told him that he needed a Short-Term Permit. He wants to make things right. He was told to shut down his business which he did.

Trustee Cadena asked if he had read the HOA's covenant.

Mr. Contreras responded he was advised by his attorney not to comment on that topic. He wants to abide by the Town of Mesilla's ordinance.

Trustee Cadena stated when saying not knowing, it is not right.

Mr. Contreras stated his permit does not have anything to do with the HOA. He is working with Ms. Toomey.

Trustee Cadena stated these people are here based on the HOA and its covenants.

Mr. Cervantes stated ambiguity....

Mayor Barraza stated we are getting into legal issues.

Trustee Cadena responded ambiguity is a problem.

Trustee Garcia stated the trustees must go by the ordinances which has rules. She asked Mr. Contreras if he feels he met the ordinance.

Mr. Contreras responded yes by following the process he was told to follow.

Motion: To approve STR #1036 – 2832 Erminda, submitted by Cesareo Contreras for a Short-Term rental, Zoned: Historical Residential (HR), Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =3; No=1).

Mayor Pro Tem Johnson-Burick Yes – she appreciates the residents in attendance. Trustees cannot get involved with HOAs. The applicant does meet the requirements. We need to be concerned with any legal implications or liabilities. As per attorney advice we cannot go off the HOA.

Trustee Cadena No – based on ambiguity as stated by the applicant

Trustee Garcia Yes – applicant meets the ordinance, 18.35 and Business License. As per attorney advice we cannot go off the HOA.

Trustee Merrick Yes – the applicant has followed the ordinance and meets all the criteria. She respects HOAs and understands the need to keep their community safe. Recommended that Mr. Contreras meets with the HOA to ensure he is meeting their requirements. We are elected to preserve our town by following the ordinances and not vote by personal opinion.

APPEAL CASE

a) **STR #1036** - 2832 Erminda, submitted by Cesareo Contreras for a short-term rental, Zoned: **Historical Residential (HR)**

7. **APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)

Motion: To approve consent agenda, Moved by Trustee Merrick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

a) ***BOT MINUTES** - Minutes of Regular Meeting, December 12, 2022 *Approved by consent agenda*

8. EXECUTIVE SESSION

Motion: To close Regular Meeting and enter into Executive Session for discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)-Community Development, Moved by Trustee Merrick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Entered Executive Session at 7:12 p.m.

- a) Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) – Community Development Department

Motion: To enter Regular Meeting after discussion limited personnel matters pursuant to NMSA 1978, section 10-15-1(H)(2)-Community Development Department; no action taken, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

Entered Regular Meeting at 7:23 p.m.

9. STAFF REPORTS

- a) Local Government Planning Fund Application – Mayor Barraza

Mayor Barraza stated Wilson & Company has offered their assistance in completing the Local Government Planning Fund Application for \$50,000. This will be used to update Chapter 18 in our code book. There is no cost to apply to see if we qualify. The cost to update the chapter runs around \$60,000 so if we qualify, we will need \$10,000 to cover the difference.

- b) Molzen Corbin Design Services/Amendment and Highland Enterprises Bid Award – Rod McGillivray

Mr. McGillivray gave an overview of the Molzen/Corbin Design Services/Amendment and Highland Enterprises Bid Award for the Calle de Norte multi-use path Phase II project. He has set aside ARCA funding to cover the shortage.

10. NEW BUSINESS

- a) **PZHAC Case #061493** – 2500 Calle de Colon, submitted by Maria Avalos, on SE side of property to remove dead tree, remove chain link fence, place culvert in ditch, and lay 4” base course on existing material (24’ wide x 50’ length on). **Zoned: Historical Residential (HR)**

Trustee Merrick stated she understands the chain link fence will be removed and replaced.

Mayor Barraza stated there will be a driveway entering the property.

Motion: To approve PZHAC Case #061493 – 2500 Calle de Colon, submitted by Maria Avalos, on SE side of property to remove dead tree, remove chain link fence, place culvert in ditch, and lay 4” base course on existing material (24’ wide x 50’ length on). Zoned Historical Residential (HR), Moved by Trustee Garcia, Seconded by Trustee Merrick.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

- b) **PZHAC Case #061497** – 2214 Calle de Guadalupe, submitted by Pat & Wendy Taylor for a 360 square foot addition of a kitchen and bath where there is an existing storage shed. **Zoned: Historical Commercial (HC)**

Motion: To approve PZHAC Case #061497 – 2214 Calle de Guadalupe submitted by Pat & Wendy Taylor for a 360 square foot addition of a kitchen and bath where there is an existing storage shed. Zoned: Historical Commercial (HC), Moved by Trustee Garcia, Seconded by Trustee Merrick.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

- c) **PZHAC Case #061499** - 2571 Calle de Guadalupe, submitted by Jeff McBride & Jane Mercer to raise the height of courtyard wall to 10 feet to match height of connected house. **Zoned: Historical Residential (HR)**

Trustee Garcia asked if the work will be done by the owner or by a handyman.

Mayor Barraza responded he will have a handyman assisting him.

Motion: To approve PZHAC Case #061499 – 2571 Calle de Guadalupe, submitted by Jeff McBride & Jane Mercer to raise the height of the courtyard wall to 10 feet to match height of connected house; w/condition. Zoned: Historical Residential (HR), Moved by Trustee Garcia, Seconded by Trustee Merrick.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

- d) **PZHAC Case #061500** - 2571 Calle de Guadalupe, submitted by Jeff McBride & Jane Mercer to replace evaporative cooler and gas furnace with ducted mini split HVAC unit. **Zoned: Historical Residential (HR)**

Motion: To approve PZHAC Case #061500 – 2571 Calle de Guadalupe, submitted by Jeff McBride & Jane Mercer to replace evaporative cooler and gas furnace with ducted mini split HVAC unit. Zoned: Historical Residential (HR), Moved by Trustee Merrick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

- e) **PZHAC Case #061503** - 2525 Calle de Parian A, submitted by Renee Beltran, to install a residential PV Solar System (8 Panels, 4 Inverters, 2.96 Kw. Main panel Upgrade: 200A Bus/200A Main). **Zoned: Historical Residential (HR)**

Motion: To approve PZHAC Case #061503 – 2525 Calle de Parian A, submitted by Renee Beltran, to install residential PV Polar System (8 Panels, 4 Inverters, 2.98 Kw. Main panel Upgrade: 200A Bus/200A Main). Zoned: Historical Residential (HR), Moved by Trustee Merrick, Seconded by Trustee Cadena.

Trustee Garcia stated the contractor's tax number is missing from the application.

Mayor Barraza stated she will make sure that the application is complete before issuing the permit. We were insured that the solar system will not be visible from the street.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

f) For Approval: Community Development Coordinator Hire

Mayor Barraza recommended Mr. Edward Salazar for the Community Development Coordinator position.

Motion: To approve Community Development Coordinator Hire, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

g) For Approval: Resolution 2023-01 Local Government Planning Fund Application

Motion: To approve Resolution 2023-01 Local Government Planning Fund Application, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.

Trustee Garcia asked if this will be for Chapter 18.

Mayor Barraza responded yes, and they will also look at the Comprehensive Plan.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

h) For Approval: Molzen Corbin Professional Engineering Services Proposal for the Design Phase and Construction Phase for the Calle de Santiago Bridge Improvements and Active Transportation Corridor in the Amount of \$63,110.00 (HW 2LP10037)

Motion: To approve Molzen/Corbin Professional Engineering Services Proposal for the Design Phase and Construction Phase for the Calle de Santiago Bridge Improvements and Active Transportation Corridor in the Amount of \$63,110.00(HW 2LP10037, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Merrick.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

i) For Approval: Molzen Corbin Amendment #1 in the amount of \$9,501.25 for additional design services required by the International Boundary and Water Commission (IBWC) for the Calle del Norte multi-use path phase II project.

Motion: To approve Molzen/Corbin Amendment #1 in the amount of \$9,501.25 for additional design services required by the International Boundary and Water Commission (IBWC) for the Calle del Norte multi-use path Phase II project, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

Roll Call Vote: Motion passed (summary: Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

j) For Approval: Award to Highland Enterprises, Inc. the Mesilla Water System Booster Pump Replacement Project

Motion: To approve Award to Highland Enterprises, Inc. the Mesilla Water System Booster Pump Replacement Project, Moved by Mayor Pro Tem Johnson-Burick, Seconded by Trustee Garcia.

Trustee Garcia asked if this will be paid through Capitol Outlay.

Mayor Barraza responded yes. She asked Mr. McGillivray if we were award enough for this project.

Mr. McGillivray responded this is the project that ARCA will cover the \$30,000.

Roll Call Vote: Motion passed (**summary:** Yes =4).

Mayor Pro Tem Johnson-Burick Yes

Trustee Cadena Yes

Trustee Garcia Yes

Trustee Merrick Yes

11. BOARD OF TRUSTEE COMMITTEE REPORTS

Trustee Merrick: MPO meeting Wednesday

Mayor Pro Tem Johnson-Burick: MPO meeting Wednesday – Dona Ana County 1:00 p.m.

Trustee Garcia: Workforce Worksession in March, 2023

Mayor Barraza: Extended PZHAC terms until the end of January

12. BOARD OF TRUSTEE/STAFF COMMENTS

(Written staff reports included in packet)

Ms. Bush stated there has been confusion regarding the new trash and recycling schedule; working on getting the word out. Thanked Ms. Maya for working with the residents and Southwest Disposal. She has submitted her letter of resignation as she has accepted another position. Thanked them for allowing her to serve the Town of Mesilla. The positions of Administrative File Clerk, Fire Chief, Town Clerk/Treasurer, and Maintenance Worker I have been posted.

Mayor Barraza recommended sending out postcards with the information.

Ms. Maya recommended placing a label on the bills.

Mr. Evans stated they have COVID test kits available.

Trustee Merrick thanked Mayor Barraza for attending the Experience Mesilla meeting. The town events were great.

Trustee Cadena stated the holiday events were great.

Mayor Pro Tem Johnson-Burick stated Ms. Bush was a breath of fresh air and enjoyed with her. She asked why the PZHAC terms were extended.

Mayor Barraza responded due to her being ill she extended the commissioners terms till the end of January as not to hold up applications.

Trustee Garcia asked about the Lodger's Tax Committee as she will be willing to serve.

Mayor Barraza responded she will start looking into that.

Trustee Garcia stated she appreciates Marshal Salas' honesty. Reminded the board that needs to follow the ordinances.

Commissioner Salas responded he is sorry that the board had to go through that, and it is not against the HOA.

Trustee Garcia asked for information on Municipal Day in February.

Mayor Barraza stated we have a lot going on. We have been short staffed and asked everyone to be patient. Ms. Bush and Ms. Maya are working hard in covering. A Public Works vehicle was stolen from the yard and was found but very damaged. She thanked Marshal Salas and Mr. McGillivray for their assistance in finding the vehicle. Mr. Hernandez makes the best Chocolate Chip Cookies and thanked him for his generosity. We are working on enforcing codes around the town so there are upset residents and merchants and asked that calls be referred to her.

Trustee Garcia stated we cannot be listening to gossip, we should ask the Mayor for clarification if we have concerns.

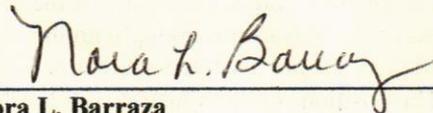
Mayor Barraza stated Municipal Day is in February; information will be forwarded. The board decided regarding the HOA. There are big shoes to be filled with Fire Chief Hoban's retirement. She tells everyone Mesilla has the best department in the state. The holiday events were amazing; people enjoyed the events. Today is National Law Enforcement Day.

13. ADJOURNMENT

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4).

MEETING ADJOURNED AT 8:03 P.M.

APPROVED THIS 26st DAY OF JANUARY, 2023.



Nora L. Barraza
Mayor

ATTEST:



Rani Bush
Town Clerk/Treasurer

